

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff,

V.

**Hendel Gamaliel LOPEZ-Fuentes,**

Defendant(s)

Magistrate Case No.

10 MJ 2438

COMPLAINT FOR VIOLATION OF:

**Title 18 U.S.C., Section 922(g)(5)(B) – Alien  
Unlawfully in Possession of Firearm;**

The undersigned complainant, being duly sworn, states:

**COUNT 1**

On July 18, 2010, within the Southern District of California, defendant **Hendel Gamaliel LOPEZ-Fuentes**, an alien admitted to the United States under a nonimmigrant visa was found in possession of a firearm; in violation of Title 18 United States Code, Section 922(g)(5)(B).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT  
Daniel Krall, Special Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS THE 19<sup>th</sup> DAY OF JULY,  
2010

**RUBEN B. BROOKS**  
United States Magistrate Judge

DOA 07-18-10 gje

**CONTINUATION OF COMPLAINT:**

**Hendel Gamaliel LOPEZ-Fuentes**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On July 17, 2010, at approximately 12:30 p.m., Norman Eduardo FIGUEROA was charged with violation of Title 18 U.S.C. 554 Smuggling goods from the U.S., in a hidden compartment of a silver 2003 Nissan 350Z bearing California license plate 6LZF923. The vehicle driven by FIGUEROA was found to be registered to Hendel LOPEZ of 932 16<sup>th</sup> Street, San Diego, California 92154. Following arrest, FIGUEROA provided a post Miranda statement during which he revealed that LOPEZ provided him with the Nissan 350Z and instructed him to take the vehicle to Tijuana, Mexico. During the post-Miranda interview FIGUEROA identified LOPEZ from a photo array.

On July 17, 2010, law enforcement officers conducted surveillance on 932 16<sup>th</sup> Street, San Diego, CA 92154 and observed LOPEZ leaving the residence. LOPEZ was driving a white 1999 Ford Expedition bearing California license plate 4GSZ696, which is registered to him. At approximately 1:30 a.m. on July 18, 2010, LOPEZ parked the white 1999 Ford Expedition in the parking lot of a Days Inn Hotel, located on the corner of Hollister Street and Coronado Avenue in San Diego, CA. On July 18, 2010, at approximately 9:30 a.m., law enforcement officers observed LOPEZ depart the Days Inn Hotel. LOPEZ was driving the white 1999 Ford Expedition bearing California license plate 4GSZ696. At approximately 11:15 a.m., LOPEZ parked the vehicle in the Ueta Parking Lot, which is approximately 100 yards away from the south bound pedestrian lanes of the San Ysidro, California Port of Entry.

United States Border Patrol Agent Matthew Bergen was contacted and conducted an immigration inspection on LOPEZ in the Ueta Parking Lot. LOPEZ stated that he is a lawful permanent resident, but that he was not carrying his card. Border Patrol Agent Bergen conducted record checks and discovered that LOPEZ was not a lawful permanent resident but in fact has no legal immigration status to enter, remain or pass through the United States. Agents detained LOPEZ based upon his illegal status and requested a CBP Currency/Firearms Detection Dog to conduct an exterior screen the vehicle. The canine responded to a trained odor emitting from the driver's side rear door seam. Agents transported LOPEZ and his vehicle to the San Ysidro Port of Entry where a more safe and complete search could be conducted.

At approximately 3:30 p.m. agents were granted a search warrant by the Honorable Judge Brooks and performed a thorough search of the white 1999 Ford Expedition bearing California license plate 4GSZ696, which yielded the following results: 1) Five FNH 5.7 x 28 mm assault style rifles; 2) One SKS assault style rifle; 3) One Patriot Ordinance Factory - USA P-415 (AR-15 Type) Assault Rifle; 4) One FNH SCAR 16S 5.56 x 45; 5) One Colt .38 Special Handgun; and 6) Significant amounts of various ammunition.

**DEFENDANT STATEMENT:**

On July 18, 2010, at approximately 4:10 P.M., Immigration and Customs Enforcement (ICE) Special Agent (SA) Daniel Krall read LOPEZ the Miranda Warning as witnessed by ICE SA David Vazquez. LOPEZ stated that he would like to have an attorney present during questioning. The interview was concluded.

Based upon the observations of law enforcement officers conducting surveillance on LOPEZ, the apparent control and ownership he had over this vehicle, the evidence seized from the defendant and the follow-up investigation conducted by your affiant, it is believed that there is probable cause that LOPEZ has violated Title 18 United States Code, Section 922(g)(5)(B) – Alien in Possession of a Firearm.